

REMARKS

This Amendment, filed in reply to the Office Action dated July 17, 2008, is believed to be fully responsive to each point of objection and rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 56, 58-67, 69-73 and 75-81 are all the claims pending in the application. Claims 56, 61-66, 71-73, 75-78 and 81 are rejected. Claim 56 is amended herewith to even further clarify that recitation of "2a" is not part of the proceeding chemical formula. No new matter is added by way of this amendment. Entry and consideration of this amendment are respectfully requested.

Withdrawn Rejections

Applicants thank the Examiner for withdrawal of the rejection of Claims 56-57, 61-66, 71-78 and 81 under 35 U.S.C. § 112, first paragraph.

Withdrawn Claims

On page 2 of the Office Action, it is asserted that Claims 55, 58-60, 67-70, 79 and 80 are withdrawn from consideration as being directed to non-elected inventions.

However, Applicants note that in the amendment filed April 21, 2008, the withdrawn claims were amended so as to depend ultimately from Claim 56, which is directed to the elected species, formula 2a. That is, withdrawn Claims 58-60, 67-70, 79 and 80 are no longer directed to non-elected subject matter, but rather, read on both elected Group II and the elected species, formula 2a. Claim 55 was previously canceled. Accordingly, if Claim 56 is found allowable, because the dependencies of the withdrawn claims were amended prior to final rejection, and

thus were entered as a matter of right, Applicants submit that if Claim 56 is found allowable, Claims 55, 58-60, 67-70, 79 and 80 should also be found allowable as requiring all the limitations of an allowable generic claim, and being further limiting the Claim 56. Pursuant to M.P.E.P. 821.04(a), “[w]hen all claims to the non-elected invention depend from or otherwise require all the limitations of an allowable claim, applicant **must** be advised that claims drawn to the non-elected invention have been rejoined and the restriction requirement has been withdrawn.” In view of the foregoing, Applicants respectfully request that upon allowance of Claim 56, withdrawn Claims 55, 58-60, 67-70, 79 and 80 be rejoined and allowed in the instant application.

Claims 56, 61-66, 71-73, 75-78 and 81 are Definite Under 35 U.S.C. § 112

On page 3 of the Office Action, Claims 56, 61-66, 71-73, 75-78 and 81 are rejected under 35 U.S.C. § 112, as being indefinite.

Specifically, it is asserted that recitation of “2a” could be construed as being part of the proceeding chemical formula.

While Applicants submit that one of skill in the chemical arts would not understand “2a” to be part of the chemical formula recited in Claim 56, in the interest of compacting prosecution, Applicants herewith amend Claim 56 to clarify that “2a” is not part of the recited chemical formula.

Applicants respectfully submit that the amendment overcomes the rejection.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

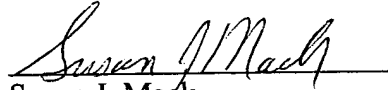
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